

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MARK D. KRAFT,

Case No. 1:22-cv-267

Plaintiff,

v

PEOPLE HELPING PEOPLE OF
PULLMAN, INC.,

Defendant.

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PLAINTIFF'S COMPLAINT AND JURY DEMAND

NOW COMES Plaintiff, Mark D. Kraft, by and through his attorneys, KONING & JILEK, P.C., and for his Complaint against the Defendant, states as follows:

NATURE OF ACTION AND JURISDICTION

1. This case involves personal injuries received by the Plaintiff on an amusement ride/train owned and operated by Defendant on or about July 20, 2019.
2. This Court has subject jurisdiction of Plaintiff's claims pursuant to 28 U.S.C. §1332 (diversity).
3. Venue is proper in this district pursuant to 28 U.S.C. §1391(a).
4. The amount in controversy and the damages do exceed \$75,000, exclusive of fees and costs.

THE PARTIES

5. Plaintiff is a United States citizen being domiciled in the State of Illinois; his residence is currently located in the City of Berwyn, County of Cook, State of Illinois.

6. By information and belief, Defendant People Helping People of Pullman, Inc. is a Michigan domestic nonprofit corporation, operating within the State of Michigan, with a Michigan resident agent of Jeffrey D. Kruithof, 925 56th Street, Pullman, Michigan 49450.

7. On July 20, 2019, the Defendant was operating a festival at a location in Lee Township, Allegan County, Michigan.

8. During the summer months each year, the Defendant operates a festival, commonly known as “Pullman Days.”

9. The Defendant, while operating the festival, operated a miniature train in which the public was invited to ride.

10. Plaintiff Mark D. Kraft was a passenger on said train when the train went through a sandy area and the last car upon which Plaintiff was sitting turned over and injured the Plaintiff.

11. Defendant and its agents were negligent by breaching its duties, *inter alia*:

- a. to operate the ride in a safe manner;
- b. to drive in locations where the ride/ train could safely travel without tipping over;
- c. to properly maintain the ride;
- d. to operate the ride with safe weight levels and distribution of weight; and
- e. to otherwise act reasonably in the operation of the ride.

12. As a direct and proximate result of the incident and negligence described herein, Plaintiff Mark D. Kraft suffered serious injuries to various parts of his body including to his left and right shoulders, including rotator cuff tears to both, requiring surgery.

13. As a further direct and proximate result of the negligence of the Defendant, Plaintiff has and will continue to suffer noneconomic damages, including ongoing pain, stiffness, disfigurement, disability and a loss of life's pleasures and enjoyments.

14. As a further direct and proximate result of the negligence of the Defendant, Plaintiff has and will in the future, suffer economic losses, including, but not limited to, medical bills and loss of income.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter a judgment in his favor and against Defendant in an amount in excess of \$75,000, which will fully compensate him for his losses, suffering injury, and damages, together with costs of this action, interest, and attorney fees.

Respectfully submitted,

KONING & JILEK, P.C.

Dated: March 23, 2022

/s/ Jonathan N. Jilek
Jonathan N. Jilek (P65299)
Attorney for Plaintiff
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JURY DEMAND

Plaintiff, Mark D. Kraft, through his counsel, hereby demands a trial by jury pursuant to Fed.

R. Civ. P. 38.

Respectfully submitted,

KONING & JILEK, P.C.

Dated: March 23, 2022

/s/ Jonathan N. Jilek
Jonathan N. Jilek (P65299)
Attorney for Plaintiff
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